



## CITY OF NEWPORT BEACH TIDELANDS MANAGEMENT COMMITTEE AGENDA

Civic Center, 100 Civic Center Drive  
Community Room (across from the Council Chambers)  
Wednesday, June 19, 2013, 4:00 PM to 6:00 PM

### *Tidelands Management Committee – Council Members:*

Mike Henn – Chair      Nancy Gardner      Ed Selich

### *Citizens Advisory Panel: To Be Determined*

### *Staff Members:*

Dave Kiff      Michael Torres  
Chris Miller      Shannon Levin

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- 1) **CALL MEETING TO ORDER** – Welcome and Introductions
  - 2) **ROLL CALL**
  - 3) **PUBLIC COMMENTS**

*Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.*

- 4) **APPROVAL OF MINUTES** – None (first committee meeting)
- 5) **CURRENT BUSINESS**

#### **A. Tidelands Management Committee – Review Goals, Purpose and Responsibilities**

This Committee will review Resolution 2013-35 which establishes the newly formed Tidelands Management Committee.

#### **B. Establishment of the Citizen's Advisory Panel ("CAP")**

The Committee will review the selection process for the CAP and finalize the process for selecting the CAP. The Committee will request the City Clerk to advertise for the openings as soon as possible.

Meetings of the Tidelands Management Committee which include the Citizens' Advisory Panel are open to the public. The public may comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person. It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or [cityclerk@newportbeachca.gov](mailto:cityclerk@newportbeachca.gov).

**C. *Tidelands Capital Fund – Current Status***

The Committee will review the Tidelands Capital Fund and how it is addressed in the current budget. In addition, the Committee will review a summary of funds expended thus far against the items in the Capital Infrastructure Plan.

**D. *Tidelands Harbor Fund – Update***

Staff will update the Committee on the status of the proposed Harbor Fund with respect to the State Lands Commission.

**E. *Federal Harbor Lines – A Proposal to Reconfigure the Lines to Match Existing Conditions***

A subcommittee of the Harbor Commission is seeking guidance on whether or not to pursue the long range project of reconfiguring the harbor lines (Bulkhead, Pierhead and Project Lines) to match present-day conditions.

**6) ROUNDTABLE OR ADDITIONAL PUBLIC COMMENTS**

**7) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

**8) DATE AND TIME FOR NEXT MEETING:**

To Be Determined

**9) ADJOURNMENT**

## **RESOLUTION NO. 2013-35**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH ESTABLISHING THE TIDELANDS MANAGEMENT COMMITTEE**

**WHEREAS**, on March 8, 2011, the City Council of the City of Newport Beach adopted Resolution No. 2011-26 establishing the City Council Committee on Tidelands Management ("Ad Hoc Committee");

**WHEREAS**, the City Council charged the Ad Hoc Committee with establishing a long term vision for the tidelands, including the upper bay, lower bay, bay beaches and other major components;

**WHEREAS**, on June 12, 2012, the City Council adopted Resolution No. 2012-44 expanding the membership of the Citizens Advisory Panel from five members to eight;

**WHEREAS**, on November 27, 2012, the City Council adopted Resolution No. 2012-114 extending the term of the Ad Hoc Committee to March 31, 2013; and

**WHEREAS**, prior to its expiration the Ad Hoc Committee completed a majority of its one-time work and the City Council sees a continuing role within the City to oversee critical tidelands aspects, such as the Tidelands Capital Plan ("TCP").

**NOW, THEREFORE**, the City Council of the City of Newport Beach hereby resolves as follows:

**Section 1:** The City Council hereby establishes the standing City Council committee referred to as the Tidelands Management Committee. The Tidelands Management Committee's purpose, membership, roles, responsibilities, and terms shall be as provided in the attached Tidelands Management Committee Sheet, which is incorporated by reference herein.

**Section 2:** The City Council hereby repeals all previous resolutions, or portions thereof, related to the City Council Committee on Tidelands Management that are in conflict with this resolution.

**Section 3:** The City Council finds this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

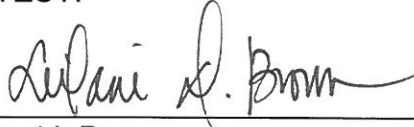
**Section 4:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

**ADOPTED** this 23<sup>rd</sup> Day of April, 2013



Keith D. Curry  
Mayor

ATTEST:



Leilani I. Brown  
City Clerk



Attachment: Tidelands Management Committee Sheet

## **TIDELANDS MANAGEMENT COMMITTEE**

**AUTHORIZATION:** Established by Resolution No. 2013-35 adopted on April 23, 2013.

**MEMBERSHIP:** Three (3) members of the City Council, appointed by the Mayor and confirmed by the City Council. The Mayor shall appoint one (1) of the City Council Members as the chair of the Committee. With the exception of the initial appointment, appointments shall occur annually in January.

City staff support shall come from the City Manager's Office, the Harbor Resources Division, the City Attorney's Office, and other departments as needed.

**TERM:** Ongoing until rescinded by City Council action.

**MEETINGS:** Meeting shall occur at a regular time and place as called by the Chair, with the goal of meeting at least quarterly.

**BROWN ACT:** This Committee shall be subject to the Ralph M. Brown Act, or any successor regulation.

### **PURPOSE & RESPONSIBILITIES:**

The Committee's purpose and responsibilities shall be as follows:

- A. Tidelands Capital Plan ("TCP"). Make recommendations to the full City Council as to the components, prioritization and implementation of the TCP.
- B. Large Tidelands Capital Needs. Make recommendations to the City Council as to large tidelands capital needs outside of the Harbor Commission's and Water Quality/Coastal Tidelands Committee's purview, such as in-harbor sea level rise-related projects.
- C. Convene a Citizens Advisory Panel ("CAP") of up to seven (7) members, one (1) of whom shall be a member of the Harbor Commission, to assist the Committee in accomplishing the Committee's purpose and responsibilities. Citizen Advisory Panel members shall serve up to two (2) two-year terms, staggered so that half of the CAP members serve for two (2) final years as new CAP members' terms begin. The CAP members are not members of this Committee and shall serve strictly in a non-voting advisory capacity at the pleasure of the Committee.
- D. Such other duties as may be assigned from time-to-time by the City Council.

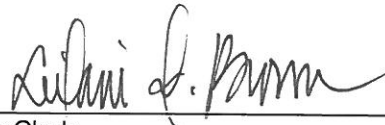
STATE OF CALIFORNIA                         }  
COUNTY OF ORANGE                        }  
CITY OF NEWPORT BEACH                 }       ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2013-35 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 9<sup>th</sup> day of April, 2013, and that the same was so passed and adopted by the following vote, to wit:

Ayes:       Gardner, Petros, Hill, Selich, Henn, Daigle, Mayor Curry

Nays:       None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 24<sup>th</sup> day of April, 2013.



\_\_\_\_\_  
City Clerk  
Newport Beach, California

(Seal)



### 5 YEAR TIDELANDS CAPITAL PLAN

Est. Project Start FY	CAPital or MAINTenance	Project	Funding Source		HAMP GOAL	Harbor & Bay Element GOAL
			Tidelands CAP Fund	Tidelands MAINT Fund		
2012	CAP	Rhine Channel Dredging	4,235,829		3	8,11,13
		<b>2012 Funding Totals</b>	<b>\$ 4,235,829</b>			
2013	CAP	Lower Bay Dredging Phase I	2,500,000		1,2,3	8,11,13
2013	CAP	Lower Bay Dredging Phase II	2,300,000		1,2,3	8,11,13
2013	MAINT	Balboa Island Bulkhead Assessment Year 1		500,000	2	1,6,9,13
2013	MAINT	Balboa Marina - New Public Dock		125,000	1,2	1,2,5,6
2013	MAINT	Balboa Yacht Basin (BYB) Facility Improvements		74,585	1,2	1,2,3,4,6
2013	MAINT	Bay Beach Sand Management		300,000	1,3	1,5,6,9
2013	MAINT	BYB Mooring Support Service Improvements		25,000	1,2	1,5,6
2013	MAINT	Eelgrass Survey - Lower Harbor Shoreline		50,000	2,3	1,2,5,8,9
2013	MAINT	Lower Bay Dredging		100,000	1,2	8,11,13
2013	MAINT	Mooring Field Realignment		25,000	1,2	1,2,5,6
2013	MAINT	Tidegate Retrofit and Upgrades		700,000	2	8
2013	MAINT	Vessel Waste Pumpout Station Replacement		20,000	1,2,3	1,2,6,8
2013	CAP	Marina Park (Marina Only)	10,000,000		1,2	1,2,4,5,6,9,13
		<b>2013 Funding Totals</b>	<b>\$ 14,800,000</b>	<b>\$ 1,919,585</b>		
2014	MAINT	RGP-54 Permit		400,000	1	1,2,6,9,13
2014	MAINT	Balboa Island Bulkhead Assessment Year 2		400,000	2	1,6,9,13
2014	MAINT	2014 Tidelands Maintenance Projects		737,500		
		<b>2014 Funding Totals</b>		<b>\$ 1,537,500</b>		
2015	CAP	Semeniuk Slough Dredging	1,500,000		3	2,8
2015	MAINT	Balboa Island Bulkhead Assessment Year 3		400,000	2	1,6,9,13
2015	MAINT	2015 Tidelands Maintenance Projects		1,137,500		
		<b>2015 Funding Totals</b>	<b>\$ 1,500,000</b>	<b>\$ 1,537,500</b>		
2016	MAINT	2016 Tidelands Maintenance Projects		1,537,500		
		<b>2016 Funding Totals</b>		<b>\$ 1,537,500</b>		
2017	CAP	Grand Canal Dredging	500,000		1,2	1,2,5,6,9,13
2017	MAINT	2017 Tidelands Maintenance Projects		1,537,500		
		<b>2017 Funding Totals</b>	<b>\$ 500,000</b>	<b>\$ 1,537,500</b>		
		<b>FIVE YEAR FUNDING TOTAL</b>	<b>\$ 21,035,829</b>	<b>\$ 8,069,585</b>		

### TIDELANDS PROJECTS AFTER 5 YEARS

Est. Project Start FY	CAPital or MAINTenance	Project	Funding Source		HAMP GOAL	Harbor & Bay Element GOAL
			Tidelands CAP Fund	Tidelands MAINT Fund		
2017	CAP	Balboa Island Seawall Replacement	TBD		1,2	1,6,9,13
2020	CAP	Future Lower Bay Dredging and Ongoing Maintenance	TBD		1,2	8,11,13
2020	CAP	Lower Castaways Development	TBD		1	1,2,3,5,6,9
2021	CAP	West Newport Channel Dredging	TBD		1,2,3	8,11,13
2030	CAP	Future Upper Bay Dredging	TBD		2,3	7,8

### TIDELANDS PROGRAMS

Est. Project Start FY	CAPital or MAINTenance	Project	Funding Source		HAMP GOAL	Harbor & Bay Element GOAL
			Tidelands CAP Fund	Tidelands MAINT Fund		
Ongoing	TBD	Water Quality	TBD		3	7,8
Ongoing	TBD	Habitat Restoration	TBD		3	7,8